

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

Criminal Action No.
11-CR- 602 (GTS)

v.

JOSEPH JENKINS,

Defendant.

**GOVERNMENT'S SUPPLEMENT TO
MOTION FOR DISCLOSURE OF THE DEFENDANT'S FINANCIAL AFFIDAVIT
(FORM CJA 23) AND NOTICE TO THE COURT OF FACTS RELEVANT TO THE
DEFENDANT'S ELIGIBILITY FOR ASSIGNED COUNSEL**

I. INTRODUCTION

In its October 9, 2012 Decision and Order, this Court granted the government's motion for disclosure of the defendant's financial affidavit and gave the parties additional time in which to supplement their previous filings on the issue of the defendant's eligibility for appointed counsel. Specially, the Court gave the government the opportunity to submit admissible forms of the records filed as attachments 4-6 (transcripts of telephone calls) to the government's motion for disclosure of the defendant's financial affidavit (Doc. No. 33) and as attachments 1-5 and 7 (Ameriprise Financial records, First Niagara Bank records, and LexisNexis records) to the government's reply

to the defendant's response (Doc. 38). The government now submits these additional documents to the Court in connection with its October 9, 2012 Decision and Order.

ATTACHMENTS TO PRESENT MOTION

Attached to the present filing are Exhibits A-F. Exhibit A, the hard copy of which was filed with the Court and submitted separately to defense counsel, is the certificate of authenticity of business records for the Ameriprise Financial, Inc. records submitted as attachments to Doc. No. 38; Exhibit B, the hard copy of which was filed with the Court and submitted separately to defense counsel, is the certificate of authenticity of business records for the First Niagara Bank records submitted as attachments to Doc. No. 38; Exhibit C¹ is a recording of the telephone calls between the defendant and his family members, the transcripts of which were submitted as attachments 4-6 to Doc. No. 33; Exhibit D is a sworn affidavit by Corporal M. Wojeski of the Cayuga County Correctional Facility regarding the creation and recording of the telephone calls contained on Exhibit C; Exhibit E is a sworn affidavit by Special Agent Chad Willard of the Department of Homeland Security identifying the voice of the individual listed as "Jenkins" in the telephone transcripts as belonging to the defendant, Joseph Jenkins; Exhibit F consists of certified Department of Motor Vehicles Records including abstracts of title and registration for five vehicles registered to Joseph Jenkins at the time of his completion of his financial affidavit, as reflected in the Lexis Nexis report submitted as attachment 7 to Doc. No. 38.

¹Because Exhibit C is a compact disk containing an audio recording, the government has submitted it to the Court directly and has submitted a copy to defense counsel through the United States Mail.

CONCLUSION

Based upon the foregoing, the government respectfully requests that the Court make a determination of defendant's eligibility for assigned counsel, and should the court determine that the defendant is not eligible for assigned counsel, schedule an appearance to determine the defendant's intentions with regard to representation.

Dated: October 19, 2012

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